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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Sacramento)

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THE PEOPLE,  
  
Plaintiff and Respondent,  
  
v.  
  
LARRY LEYBA,  
  
Defendant and Appellant.

C050168  
  
(Super. Ct. Nos.  
03F01413, 03F03737)

Wielding a baseball bat, defendant and his accomplice assaulted three men in a dispute over an improperly parked vehicle. One of the victims sustained fractured ribs. The assault occurred on January 23, 2003, and resulted in a criminal prosecution in Sacramento Superior Court No. 03F03737. Defendant ultimately entered a plea of no contest to three counts of assault with a deadly weapon as alleged in that action (counts one, two and four). (Pen. Code, § 245, subd. (a)(1); further undesignated statutory references are to the Penal Code.)

On February 8, 2003, defendant stabbed his girlfriend in the leg with pair of scissors and interfered with peace officers who responded to the scene. As a result, in Sacramento Superior Court No. 03F01413, defendant entered a no contest plea to assault with a deadly weapon and resisting a peace officer in the performance of his duties. (§ 148.) He also admitted that he had suffered a prior serious felony conviction (§§ 667, subds. (b)-(i), 1170.12) and served a prior prison term (§ 667.5, subd. (b)).

At a combined sentencing hearing, the court sentenced defendant to the midterm of three years in prison for the assault on his girlfriend, which was doubled to six years pursuant to the three strikes law, to which the court added a consecutive term of five years for the prior serious felony enhancement and one year for the prior prison term enhancements, resulting in an aggregate 12-year prison term. Concurrent three-year terms were imposed in the other case.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and asks us to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

### DISPOSITION

The judgment is affirmed.

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HULL, J.

We concur:

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SIMS, Acting P.J.

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ROBIE, J.